

REMARKS

Claims 1, 3-9, and 11-22 are currently pending in this application. Claims 6 and 7 are withdrawn from consideration. Claims 2 and 10 are canceled, and claims 1, 8, 14, 16-19, 21 and 22 have been amended. No new matter is involved. Applicants respectfully request reconsideration of the application in light of the amendments and remarks contained herein, and request timely allowance of the pending claims.

Initially, Applicants acknowledge with appreciation the helpful suggestions made by Examiner Jerabek during a telephone discussion of the subject matter in issue in this Application on June 10, 2004, in response to which Applicant has amended claims 1, 8, 14, 16-19, 21 and 22 to, hopefully, place this Application in condition for allowance. Applicants respectfully submit that entry of the amended claims is proper because they merely add features that are already present in other pending and allowed claims and, thus do not require further consideration and or search, and correspond to the general indication by Examiner Jerabek of patentable subject matter in this Application.

Claim Objections

The Office Action objects to claims 16 and 22 for not providing proper antecedent basis for the terms "the background image." Applicants respectfully traverse this rejection based on the amendment of claims 16 and 22 to change "the background image" to - - a background image - - in both claims. Applicants

respectfully submit that this amendment does not narrow the scope of the claims and, actually, enlarges in the sense that it substitutes the indefinite pronoun “a” for the definite pronoun “the.”

Reconsideration and withdrawal of this objection of claims 16 and 22 is respectfully requested.

Rejection under 35 U.S.C. §102(e)

Claims 16 and 22 stand rejected under 35 U.S.C. §102(e) as anticipated by U.S. Patent 6,836,286 to Tachi et al. (hereinafter, “Tachi”). This rejection is respectfully traversed.

It is well settled that the burden of establishing a *prima facie* case of anticipation resides with the Patent and Trademark Office (PTO). See, In re Piasecki, 745 F.2d 1468, 223 USPQ 785, 788 (Fed. Cir. 1984).

A prior art reference anticipates the subject of a claim when the reference discloses every feature of the claimed invention, either explicitly or inherently (see, In re Paulsen, 30 F.3d 1475, 1478, 1479, 31 USPQ2d 1671, 1675 (Fed. Cir. 1994), In re Spada, 911 F.2d 705, 708, 15 USPQ2d 1655, 1657 (Fed. Cir. 1990), Hazani v. Int'l Trade Comm'n, 126 F.3d 1473, 1477, 44 USPQ2d 1358, 1361 (Fed. Cir. 1997) and RCA Corp. v. Applied Digital Data Systems, Inc., 730 F.2d 1440, 1444, 221 USPQ 385, 388 (Fed. Cir. 1984).

Applicants continue to respectfully submit that Tachi does not disclose any projectors, let alone the plurality of projectors recited. The Office Action regards

the LED matrices (EX) as a plurality of projectors, each of which displays a sequence of images on one of a plurality of wall screens. Applicants respectfully submit that, while the LED matrices (EX) display images do not project images on one or a plurality of wall screens, as recited.

Rather, Tachi's LED matrices are self-luminous displays that emit light beams, and are not projectors that project an image on a screen, as recited.

The Advisory Action disagrees with this assertion and provides a dictionary definition of a projector as one that projects, as an optical instrument, for projecting an image on a surface, concluding that LED matrices are projectors. Applicants respectfully disagree and provide the following definition of a projector. The Dictionary of Film and Photography, available on the Internet at www.phoptonotes.org, defines a projector as a device containing an artificial light source, used to project an image (originating from a transparency, from an LCD, etc) onto the screen of a darkened room. This category includes slide projectors, motion picture projectors and computer projector. This definition clearly does not consider a liquid crystal display a projector, but merely the source of an image that can be projected onto another surface.

Accordingly, Tachi does not anticipate claims 16 and 22.

Claims 16 and 22 also positively recite that each of the plurality of video cameras views a different individual wall screen of the video taking enclosure. Tachi does not disclose this feature, either. Instead, Tachi discloses, in col. 2, lines 26+, in col. 6, lines 61-67, and in col. 11, lines 3-40, that its image pickup devices rotate on their own axis while being advanced along a circular path of

travel. Thus, it appears to Applicants that each of Tachi's cameras does not view a different individual wall screen of the video taking enclosure, as recited.

Furthermore, claim 16 has been amended to positively recite a combination of features including wherein video may be taken by one or more of the cameras of both the subject and a background image viewed by a given camera, features neither disclosed nor suggested by Tachi.

Additionally, claim 22 has been amended to positively recite a combination of features including wherein video may be taken by one or more of the cameras of the subject and the background image by combining the subject and a background image viewed by a given camera, features neither disclosed nor suggested by Tachi.

Accordingly, for these additional reasons, Tachi does not anticipate claims 16 and 22.

Reconsideration and withdrawal of this rejection of claims 16 and 22 is respectfully requested.

Rejections under 35 U.S.C. §103(a)

Claim 1 stands rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,061,061 to Robley et al. ("Robley") in view of U.S. patent 5,225,804 to Silbelus; Claim 3 stands rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,061,061 to Robley et al. ("Robley") in view of U.S. patent 5,225,804 to Silbelus further in view of U.S. Patent No. 3,711,812 to

Cherry ("Cherry"). Claim 4 stands rejected under 35 U.S.C. 103(a) as unpatentable over Robley and further in view of Silbelus and further in view of U.S. Patent No. 5,986,718 to Barwacz et al. ("Barwacz"); claim 5 stands rejected under 35 U.S.C. §103(a) as unpatentable over Robley and further in view of Silbelus and further in view of U.S. Published Pending Patent Application No. 2004/0201764 to Honda; claim 8 stands rejected under 35 U.S.C. 103(a) as unpatentable over Robley and further in view of Silbelus and further in view of U.S. Patent 6,179,426 to Rodriguez, Jr. ("Rodriguez"); claim 9 stands rejected under 35 U.S.C. 103(a) as unpatentable over Robley and further in view of Silbelus and further in view of Rodriguez and further in view of Honda; claim 11 stands rejected under 35 U.S.C. 103(a) as unpatentable over Robley and further in view of Silbelus and further in view of Rodriguez and further in view of Cherry; claim 12 stands rejected under 35 U.S.C. 103(a) as unpatentable over Robley and further in view of Silbelus and further in view of Rodriguez and further in view of Barwacz; claim 13 stands rejected under 35 USC 103(a) as unpatentable over Robley and further in view of Silbelus and further in view of Rodriguez and further in view of U.S. Patent 6,022,124 to Bourn et al. ("Bourn").

These rejections are respectfully traversed.

Claim 1 – Robley and Silbelus

The Office Action admits that Robley does not disclose use of a treadmill located in a floor on which the subject is located.

In an attempt to remedy this deficiency, the Office Action turns to Silbelus. However the Office Action's description of Silbelus is not complete. In point of fact, Silbelus is directed to a treadmill foot-controls for students. As explained in col. 4, lines 32+, "a student sitting in a chair with one foot on belt 10 would slide it forward along foot plate 158 with his foot whenever he would be dissatisfied with a portion of instruction." The greater a student's dissatisfaction, the farther the student would move the belt. The potential at each student terminal is displayed in real time on a monitor – see col. 4, lines 58-68.

Applicants respectfully submit that one of ordinary skill in the art would not look to Silbelus to modify Robley because Silbelus not directed to solving the same type of problem facing Robley. Silbelus is only interested in the unique situation of treadmill foot controls to be operated by students sitting at desks, whereas Robley is interested in an actor walking or running on a treadmill and is not at all concerned with merely using a treadmill for walking or running purposes.

Moreover, Robley's system is disclosed in terms of a stage and the Office Action does not explain why one of ordinary skill in the art would want to modify a stage that is used to stage many different events to be ripped up and have a treadmill installed therein as disclosed in Tachi that is designed to serve as foot controls for students sitting at desks.

The statement in the Advisory Action that Robley's treadmill is disclosed as a treadmill that a person can walk on overlooks the fact that Robley does not disclose that a user in general, let alone a subject whose image is to be taken, walks on the

treadmill, and the only disclosure of a treadmill is as a foot-operated switch, not as a treadmill that one walks on. Applicants respectfully submit that the only teaching one of ordinary skill in the art would reasonably derive from Robley is use of a very small treadmill as a switch to be operated by a student sitting at a desk. Such a teaching is not the same as what the Office Action asserts would be understood by one of ordinary skill in the art and the teaching of a foot operated switch does not provide proper motivation to use such a switch as a treadmill for a subject to walk on and be able to be photographed with a projected background.

Accordingly, Applicants respectfully submit that the Office Action has not made out a *prima facie* case of proper motivation to modify Robley to provide a treadmill with a stage floor and sub-floor arrangement like the classroom sub-floor and floor arrangement in Tachi and, therefore, fail to provide a *prima facie* showing of obviousness of the claimed invention.

Furthermore, claim 1 has been amended to positively recite a combination of features including taking video of a subject and the background image by overlapping the subject with the background image and controlling speed of the treadmill by the subject.

Tachi does neither discloses nor suggests such a combination of features

Reconsideration and withdrawal of this rejection of claim 1 is respectfully requested.

Claim Rejection – 35 U.S.C §103(a): Robley-Silbelus-Cherry

Applicants respectfully traverse the §103(a) rejection of claim 3.

Applicants respectfully submit that the Robley-Silbelus reference combination is improper at least for reasons stated above.

Cherry discloses an improved drive and control system for an exercise treadmill. This treadmill differs substantially from the foot- operated treadmill switch control of Tachi and the Office Action does not explain why one of ordinary skill in the art would be motivated to modify Robley-Silbelus to include a remote control for a third party (as taught by Cherry) when Tachi desires to get a student's response, not a third party's response.

Accordingly, Applicants respectfully submit that the Office Action has not made out a *prima facie* case of proper motivation to modify the improper Robley-Tachi reference combination to provide a remote control to a third party and, even if it did, it would not result in a reference combination that would render the claimed invention obvious. Accordingly, the Office Action fails to provide a *prima facie* showing of obviousness of the claimed invention.

Furthermore, neither Tachi nor Cherry disclose or suggest the combination of features recited in claim 1, from which claim 3 depends.

Reconsideration and withdrawal of this rejection of claim 3 is respectfully requested.

Claim Rejection – 35 U.S.C §103(a): Robley-Silbelus-Barwacz

Applicants respectfully traverse the §103(a) rejection of claim 4.

Applicants respectfully submit that the Robley-Silbelus reference combination is improper at least for reasons stated above.

Barwacz is cited to teach a chroma key device in a photobooth which includes a color adjusting circuit to adjust the color of a composite image to compensate for color shifting resulting from illuminating the subject with a light source, and adding a second light source that increases the intensity of the blue component reflected by a backdrop and allows the chroma key device to be set for a range that is less likely to be reflected by the subject.

Even if it were obvious to modify the Robley-Silbelus reference combination to include changing one of illumination or brightness of an illumination light illuminating the subject in accordance with the background image, the resulting reference combination would not result in the claimed invention because the aforementioned Robley-Silbelus reference combination is improper and does not render obvious the subject matter of claim 1, which is included in claim 4.

Accordingly, reconsideration and withdrawal of this rejection of claim 4 is respectfully requested.

Claim Rejections - 35 U.S.C §103(a): Robley-Silbelus-Honda

Applicants respectfully traverse the §103(a) rejection of claim 5. Claim 5 depends from claim 1, and is allowable at least for the reasons, presented above, that claim 1 is allowable.

Even if it were obvious in view of Honda to include sound with the video taking, the aforementioned improper Robley-Silbelus reference combination is improper for reasons discussed above, and would not render obvious the subject matter of claim 1, which is included in claim 5.

Accordingly, Applicants respectfully request the Examiner to withdraw this §103(a) rejection of claim 5.

Claim Rejection - 35 U.S.C §103(a): Robley-Silbelus-Rodriguez

Applicants respectfully traverse the §103(a) rejection of claim 8.

Applicants respectfully submit that the Robley-Silbelus reference combination on which this rejection is based is improper for reasons discussed above.

The Office Action admits that Robley-Silbelus does not disclose that the projector displays an image on a screen that is a wall of the video taking box. In an attempt to remedy this defect, the Office Action turns to Rodriguez, which discloses a front projection display system. The Office Action states that Rodriguez discloses that it is well known in the art that images may be projected on a wall and, in view of that teaching, concludes that it would be obvious to

include the concept of projecting images on a wall in the photography studio of the Robley-Silbelus reference combination for the speculative reason that such may provide the “projection volume necessary for image expansion without any physical obstruction.”

Applicants respectfully disagree.

In the first place, Rodriguez discloses that “[A]lthough images may be projected upon a large clear flat surface, such as a wall, better image quality is achieved by the use of a separate screen (col. 2, lines 39-41. In fact, Rodriguez discloses that its front projection system 100 includes a dedicated high gain projection screen 102 mounted on a frame (col. 6, lines 51-52).”

In view of these explicit teachings, it would appear that Rodriguez teaches away from using a flat wall as a screen in a video projection system and that one of ordinary skill in the art would have a disincentive to incorporate a flat wall into the aforementioned Robley-Silbelus studio.

Accordingly, the Office Action has not made out a *prima facie* case of proper motivation to modify the improper Robley-Silbelus reference combination in view of Rodriguez, as suggested and, therefore, fails to make out a *prima facie* case of obviousness of the claimed invention.

Furthermore, claim 8 has been amended to positively recite a combination of features including a video image producing apparatus for producing a video image of a subject comprising a treadmill which is provided in a floor of said video taking box for use by a subject and wherein said video image producing apparatus

takes video of the subject and the background image by overlapping the subject with the background image.

The Robley-Silbelus-Rodriguez reference combination neither discloses nor suggests such a combination of features.

Reconsideration and withdrawal of this rejection of claim 8 is respectfully requested.

Claim Rejection - 35 U.S.C §103(a): Robley-Silbelus-Rodriguez-Honda

Applicants respectfully traverse the §103(a) rejection of claim 9.

Applicants respectfully submit that the Robley-Silbelus-Rodriguez reference combination on which this rejection is based is improper for reasons discussed above.

The Office Action admits that the aforementioned Robley-Silbelus-Rodriguez reference combination does not explicitly disclose a speaker, an audio storing device, an audio reproducing device, and a recording device with a microphone.

In an attempt to remedy this deficiency, the Office Action turns to Honda. Honda discloses a video camera with the missing features, and argues that it would be obvious to use such a camera in the aforementioned reference combination.

Applicants respectfully submit that even if it were obvious to use the camera of Honda in the aforementioned improper Robley-Silbelus-Rodriguez reference combination, the resulting reference improperly combined reference combination

would still not render the claimed invention obvious at least for the reasons stated above regarding the traversal of the rejection of claim 8.

Reconsideration and withdrawal of this rejection of claim 9 is respectfully requested.

Claim Rejection - 35 U.S.C §103(a): Robley-Silbelus-Rodriguez-Cherry

Applicants respectfully traverse the §103(a) rejection of claim 11.

Applicants respectfully submit that the Robley-Silbelus-Rodriguez reference combination on which this rejection is based is improper for reasons discussed above regarding the rejection of claim 8.

Cherry discloses an improved drive and control system for an exercise treadmill. This treadmill differs substantially from the foot- operated treadmill switch control of Silbelus and the Office Action does not explain why one of ordinary skill in the art would be motivated to modify Robley-Silbelus-Rodriguez to include a remote control for a third party (as taught by Cherry) when Silbelus desires to get a student's response, not a third party's response.

Accordingly, Applicants respectfully submit that the Office Action has not made out a *prima facie* case of proper motivation to modify the improper Robley-Silbelus-Rodriguez reference combination to provide a remote control to a third party and, therefore, fail to provide a *prima facie* showing of obviousness of the claimed invention.

Reconsideration and withdrawal of this rejection of claim 11 is respectfully requested.

Claim Rejection – 35 U.S.C §103(a): Robley-Silbelus-Rodriguez Barwacz

Applicants respectfully traverse the §103(a) rejection of claim 12.

Initially, Applicants note that on page 12 of the Office Action, line 1, the body of this rejection refers to claim 11. Applicants will treat this as a typographical error and assume that it was meant to refer to claim 12.

Applicants respectfully submit that the Robley-Silbelus-Rodriguez reference combination on which this rejection is based is improper for reasons discussed above.

Barwacz is cited to teach a chroma key device in a photobooth which includes a color adjusting circuit to adjust the color of a composite image to compensate for color shifting resulting from illuminating the subject with a light source, and adding a second light source that increases the intensity of the blue component reflected by a backdrop and allows the chroma key device to be set for a range that is less likely to be reflected by the subject.

Even if it were obvious to modify the improper Robley-Silbelus-Rodriguez reference combination to include changing one of illumination or brightness of an illumination light illuminating the subject in accordance with the background image, the resulting reference combination would not result in the claimed invention because the aforementioned Robley-Silbelus-Rodriguez reference

combination is improper and does not render obvious the subject matter of claim 8, which is included in claim 12.

Claim Rejections – 35 U.S.C §103(a): Robley-Silbelus-Rodriguez-Bourn

Applicants respectfully traverse the §103(a) rejection of claim 13.

Applicants respectfully submit that the Robley-Silbelus-Rodriguez reference combination on which this rejection is based is improper for reasons discussed above.

Bourn discloses a machine vision system using a xenon strobe ring light source to reduce shadows in an object to be inspected, including “extremely small parts.” (col. 17, lines 8-24). Bourn essentially uses a ring light in a macro photographic setting.

There is no indication in Bourn that its ring light will provide even illumination for anything other than small parts moving on a conveyor belt, i.e., in macro photography. Applicants do not find in Bourn a disclosure that the ring light will work with a stage scene combined with one or more projected background scenes, such as the system of Robley, the main reference in the multiple reference combination applied in the rejection of claim 12.

The Office Action does not even address the significant differences in the size and arrangement of the scenes in Robley and the size and arrangement of parts on a conveyor belt and fails to demonstrate that a ring light for a convey belt

with small articles to be inspected would be expected to provide optimum illumination for the relatively large stage scenes of the main reference.

Moreover, even if it were obvious to modify the aforementioned the Robley-Silbelus-Rodriguez reference combination as suggested in this rejection (which has not been demonstrated), the resulting reference combination would still not render obvious the claimed invention because the aforementioned Robley-Silbelus-Rodriguez reference combination is improper for reasons discussed above.

Accordingly, the Office Action fails to make out a *prima facie* case of obviousness of the claimed invention recited in claim 13.

Allowable Subject Matter

Applicants acknowledge with appreciation the indication of allowable subject matter in claims 14, 15 and 17-21. Applicants have re-written claims 14, 15 and 17-19 and 21 in independent form to make them (and claim 20, that depends from claim 19) allowable.

Conclusion

For the reasons stated above, Applicants respectfully submit claims 1, 3-9, and 11-22 are allowable.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Robert J. Webster (Reg. No. 46,472) at the telephone number of the undersigned below, to

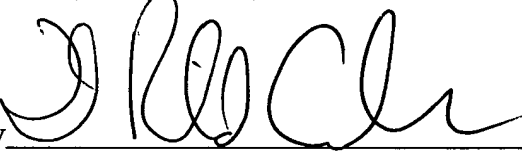
Application No.: 09/662,630
Docket No. 0879-0276P

conduct an interview in an effort to expedite prosecution in connection with the present application.


If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 

D. Richard Anderson, #40,439

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DRA/RJW:gf 

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000